

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

PAMELA TOWNSEND,

Plaintiff,

v.

C.A. NO.: 1:10-cv-00298

PROGRESSIVE ENTITIES, INC.
and GREGORY BRENNER,

Defendants.

ORIGINAL COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff, by and through her undersigned counsel, and sues the Defendants, PROGRESSIVE ENTITIES, INC. and GREGORY BRENNER, and in support thereof states as follows:

1. Plaintiff brings this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).
2. Plaintiff is an individual residing in Taylor County, Texas.
3. Defendant, PROGRESSIVE ENTITIES, INC., is a corporation formed and existing under the laws of the State of Texas and which maintains and operates an office in Taylor County, Texas.
4. Defendant, GREGORY BRENNER is an individual residing in Taylor County, Texas, and at all times relevant to this claim acted directly or indirectly in the interest of Defendant, PROGRESSIVE ENTITIES, INC., in relation to Plaintiff's employment and was substantially in control of the terms and conditions of the Plaintiff's work. Defendant GREGORY BRENNER was an employer of the Plaintiff as defined by 29 U.S.C. §203(d).
5. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1337 and by Title 29

U.S.C. §216(b). At all times pertinent to this complaint, PROGRESSIVE ENTITIES, INC., was an enterprise engaged in interstate commerce. At all times pertinent to this Complaint, Defendants regularly owned and operated businesses engaged in commerce or in the production of goods for commerce as defined by §3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s). Additionally, Plaintiff was individually engaged in commerce and her work was essential to Defendants' business.

6. Venue is proper in this district under 28 U.S.C. § 1391.

7. The Plaintiff worked for Defendants from January 2009 through August 2010 as an office manager.

8. During one or more weeks of Plaintiff's employment with Defendants, Plaintiff has worked in excess of forty (40) hours (overtime hours).

9. During one or more weeks of Plaintiff's employment with Defendants wherein Plaintiff worked overtime hours, Defendants have failed to pay Plaintiff one and one-half times her regular rate of pay for each overtime hour worked.

10. The acts described in the preceding paragraph violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. Defendants willfully violated Plaintiff's rights under the FLSA.

12. As a result of Defendants' unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of overtime which was not paid and which should have been paid.

13. Section 216(b) of the FLSA provides that any employer who violates the statute shall be liable for unpaid overtime pay and an additional equal amount as liquidated damages. Therefore, Plaintiff seeks an award of liquidated damages in an equal amount as the amount of unpaid overtime pay.

14. Plaintiff also seeks compensation of the out of pocket expenses and costs of court she will have incurred in this action. Plaintiff is also entitled to reasonable and necessary attorneys fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that:

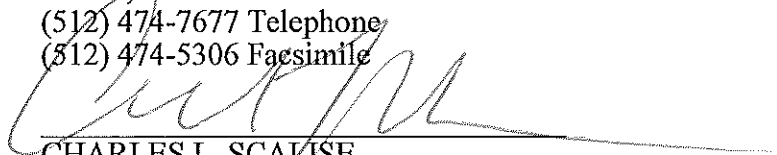
1. The Court assume jurisdiction of this cause and that Defendants be cited to appear;
2. The Court award damages to Plaintiff as specified above with Defendants being found jointly and severally liable;
3. The Court award reasonable and necessary attorneys' and expert fees and costs;
4. The Court award Plaintiff pre-and post-judgment interest at the highest rates allowed.

Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

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